



Commission on
Improving the
Status of Children

Commission on Improving the Status of Children

AUGUST 16, 2023

Agenda

1. Welcome and Introductions
2. Consent Agenda
 - a. Minutes from the June 2023 meeting

Agenda

3. Youth Justice Oversight Committee Report

Leslie Dunn

Mark Fairchild

Indiana Youth Justice Oversight Committee Report Presentation

Commission on Improving the Status of Children

August 16, 2023

YJOC Overview

- ▶ Created under [HEA 1359-2022](#) with [members](#) appointed by Chief Justice Rush and Chaired by Justice Steven H. David (ret.). [HEA 1359-2022](#) was based on recommendations of the CISC Juvenile Justice reform Task Force.
- ▶ The legislation required the YJOC to accomplish by July 1, 2023:
 1. Develop a plan to collect & report statewide juvenile justice data.
 2. Establish procedures & policies on the use of screening tools & assessments.
 3. Develop statewide plan to address the provision of behavioral health services for juvenile justice-involved youth.
 4. Develop a plan for transitional services for DOC wards.
 5. Develop a plan for juvenile diversion & community alternatives grants programs.

YJOC Workgroups

YJOC formed [workgroups](#) to address specific areas:

1. Data
2. Transitional Services
3. Diversion
4. Behavioral Health
5. Screening & Assessment
6. Grants Process
7. Juvenile Probation Standards*

In addition, YJOC coordinated with the Youth and Family Advisory Group to ensure integration of youth and family voices.

YJOC Report Highlights

Data Deliverables

Not later than July 1, 2023, the statewide juvenile justice oversight body shall develop a plan to collect and report statewide juvenile justice data. The plan shall be submitted to the commission and the legislative council in an electronic format under [IC 5-14-6](#). The plan shall include the following:

- (1) Provide goals for the collection of juvenile justice data.
- (2) Create shared definitions concerning juvenile justice data.
- (3) Set standard protocols and procedures for data collection and quality assurance, including a plan to track data across the juvenile justice continuum.

Data Deliverables

- (4) Establish a minimum set of performance and data measures that counties shall collect and report annually, including equity measures.
- (5) Establish how data should be reported and to whom.
- (6) Establish a research agenda to evaluate the effectiveness of interventions.
- (7) Determine the costs of collecting and reporting data described in this subsection.

Data Plan & Recommendations

- ▶ Adopt the list of proposed data points for youth characteristics, case processing events, system statuses, and programming and services.
- ▶ YJOC will assess the current availability of data within each category listed under Deliverable 2 by sampling data from up to 20 Indiana counties.
- ▶ YJOC will conduct a one-year pilot study with five Indiana counties that commit to fully adopt and implement the data collection procedures outlined in this document and develop local and statewide performance measures
- ▶ Create a real-time data repository that displays the status of system-involved youth at any given time across jurisdictions.

Data Plan & Recommendations

- ▶ Future data collection and reporting plans:
 - ▶ Review state and federal requirements for youth justice data collection to determine how Indiana is using the youth justice information that is currently collected and reported.
 - ▶ Determine whether information collected through separate reporting processes can be combined to provide a more complete description or analysis of Indiana's youth justice system participants, services, or outcomes.
 - ▶ Determine whether any data currently collected can be extracted from a central source versus being compiled at the local level prior to submitting to the state.
 - ▶ Review the current reporting requirements to determine whether existing data reporting requirements should be expanded, reduced, or eliminated.
- ▶ Adopt a near and long-term research agenda.
- ▶ Secure financial resources for state and local technology and data collection training and quality efforts.

Screening and Assessment Deliverables

Not later than July 1, 2023, the statewide juvenile justice oversight body shall do the following:

- (1) Review and establish statewide procedures, policies, and an implementation plan related to the use of:
 - (A) a validated risk screening tool to inform statewide diversion decisions;
 - (B) a validated risk and needs assessment tool to inform statewide dispositional decisions, especially the use of out-of-home placement; and
 - (C) a detention tool to inform the initial and ongoing use of secure detention, while considering factors related to public safety and failure to appear for court.

Screening and Assessment Plan

- ▶ Continue to use the Indiana Youth Assessment System (IYAS) and complementary assessments
- ▶ IOCS will gather local detention policies and procedures on detention screening and use of detention by June 30, 2024.
- ▶ The Standard Preliminary Inquiry Report should be updated to require the appropriate IYAS assessment to be included to complete the report and permit more than one current IYAS assessment to be included.

Screening and Assessment Plan

- ▶ IOCS will partner with system stakeholders to offer training on use of tool at various stages.
- ▶ Each jurisdiction should provide a report cover sheet to communicate relevant information to judicial officers, prosecutors, defense attorneys, etc. at the early decision points in the youth justice system.
- ▶ Continue research efforts around IYAS Tools and complementary assessments.

Diversion Deliverables

- ▶ IC 2-5-36-9.3 "juvenile diversion" means:(1) a decision made by the prosecutor that results in legal action not being taken against a child, and instead provides or refers a child to juvenile probation or a community-based organization for supervision and services, as necessary; and (2) an effort to prevent further involvement of the child in the formal legal system.
- ▶ Establish policies and protocols for research based pretrial diversion and informal adjustment programs and practices.
- ▶ The results of a risk screening tool conducted on the child should inform diversion decisions.

Diversion Plan

▶ Diversion Program Parameters

- ▶ Create a clearly defined target population and referral process.
- ▶ Establish partnerships with community-based organizations and programs.
- ▶ Utilize data to identify local needs and to support the implementation of diversion programming and strategies.
- ▶ Develop and track both output and outcome measures as well as tracking progress toward short-term and long-term goals.
- ▶ Create programs developed through a collaborative effort among system and community stakeholders.
- ▶ Provide a continuum of diversionary options with “offramps” at different decision points in response to local need.

Diversion Plan

- ▶ **Diversion Program Parameters (cont.)**
 - ▶ Focus programming on changing youth behaviors through programs that are developmentally appropriate, build pro-social and problem-solving skills, embrace a family-centered approach, utilize restorative justice and/or promote positive community supports.
 - ▶ Define and detail the purpose of the program, the decision point(s) at which it can be employed, extent of intervention, intentionally working toward the future goal of reduced involvement in the youth justice system.
 - ▶ Incorporate and continuously review for equity and cultural competency in all programs.
 - ▶ Engage youth and families in the process of developing and implementing diversion programming.

Diversion Plan

▶ Informal Adjustments

- ▶ Exhaust other diversionary options for eligible youth prior to proceeding to an informal adjustment.
- ▶ Implement informal adjustment programs that focus on meeting specific goals or participating in specific services tailored to the risk and needs of each youth referred.
- ▶ Informal adjustments should not necessarily mirror the county's standard order of probation in terms of conditions ordered or level of supervision.

Diversion Plan and Recommendations

▶ Grant Parameters:

- ▶ Qualified recipients include county government agencies, courts, and community-based organizations.
- ▶ Fund regional diversion partnerships.
- ▶ Provide a portion of funding up front to support startup costs and planning grants.
- ▶ Authorize the use of grant funds at all diversion decision points (e.g., at point of arrest and at or after the point of referral to the system).

Behavioral Health Deliverables

- ▶ Develop a statewide plan to address the provision of broader behavioral health services to a child in the juvenile justice system.
- ▶ Develop criteria for the use of diagnostic assessments as described in IC 31-37-19-11.7.

Behavioral Health Plan Recommendations

- ▶ Create a comprehensive plan and policies, including data collection.
- ▶ Mandate an annual assessment by an oversight body to analyze current data/trends.
- ▶ Partner with DCS to expand availability of assessments.
- ▶ Utilize telehealth options to alleviate the need for youth to be sent to DOC-DYS.
- ▶ Support the efforts and recommendations of the [Indiana Behavioral Health Commission](#).
- ▶ Implement a multidisciplinary team model for high needs/high acuity youth.
- ▶ Expand existing programming to include evidence-based treatment that encourages youth and parental engagement.

Grant Process Deliverables

Not later than January 1, 2023, the statewide juvenile justice oversight body shall develop and submit a plan for grant programs described in [IC 31-40-5](#) to the commission and the legislative council in an electronic format under [IC 5-14-6](#). The oversight body shall determine:

- (1) the amount of money dedicated to each grant;
- (2) the funding formula, accounting for the needs of both more rural and more populated communities;
- (3) the required set of performance measures that counties receiving the grants must collect and report; and
- (4) the process to streamline and manage the entire grant life cycle for all programs described in [IC 31-40-5](#).

The planning process shall define the parameters of using the funds, with allowance for a proportion of the funding to be used for staffing, training, and administrative expenses to support the needs of rural communities with limited-service capacity.

Grant Process Plan and Recommendations

- ▶ YJOC adopted [Grant Programs Report](#) in December 2022, which includes parameters for:
 - ▶ Diversion and community alternatives grant
 - ▶ Behavioral health competitive grant pilot program
- ▶ FY 2024-2025 appropriations in [HB 1001-2023](#):
 - ▶ Diversion \$5M per year
 - ▶ Community Alternatives \$5M per year
 - ▶ Behavioral Health Competitive Pilot \$20M per year
- ▶ Indiana Criminal Justice Institute administers grant funds in consultation and coordination with other entities.
- ▶ Information on grant applications is coming soon.

Transitional Services Deliverable

Develop policies, protocols, and a statewide implementation plan to guide the provision of transitional services for a child who is the ward of the department of correction as described in [IC 31-37-19-11.5](#).

Transitional Services Plan

- ▶ The YJOC acknowledges and recommends that additional training and collaboration is needed amongst all stakeholders to determine how to best provide appropriate community-based transitional services or TRP (DCS) services to youth.
- ▶ The YJOC notes that there is not a clear understanding of how and when transitional services are being provided across the state and under what circumstances courts are being asked to reinstate jurisdiction when a youth is released.
- ▶ There is also no information available on whether the transitional services being provided to youth now, either through community-based services or through the TRP service standards, are effective in reintegrating youth into the community and preventing recidivism.

Transitional Services Plan

- ▶ As a result of these concerns, the YJOC determined that further study of the provision of transitional services and the role DYS, DCS, probation and the court play in implementing these services is needed to determine the most effective procedures.
- ▶ The YJOC's Data Workgroup will implement pilots in five counties to conduct a process evaluation of the youth justice system to examine data collection and evaluation and they will include in their pilot work an evaluation of transitional services.
- ▶ The Data Workgroup will examine how counties are currently offering and providing transitional services, what works effectively, what the challenges are, and ideas for working together to enhance opportunities for youth to receive these services in appropriate situations, including the development of more formal processes.

Youth & Family Advisory Group

- ▶ Administered by Voices, Inc.
- ▶ Members recruited from across the state
- ▶ 44 total participants for a period of 9 months
- ▶ Members met with each work group to review draft plans
- ▶ Advisory group provided formal recommendations to YJOC at its May 10 meeting
- ▶ YJOC will incorporate feedback into future planning and implementation activities

Juvenile Probation Standards Deliverables

- ▶ HEA 1359 required the Judicial Conference of Indiana, Juvenile Probation Standards Workgroup (JPSW), in consultation with the Youth Justice Oversight Committee to develop statewide juvenile probation standards for juvenile probation supervision and services that are aligned with research-based best practices and based on a youth's risk of reoffending as measured by a validated risk and needs assessment tool.

Juvenile Probation Standards Deliverables

- ▶ Standard for consistent use of a validated risk & needs assessment tool and a validated risk screening tool.
- ▶ Standard for establishing conditions of probation supervision for informal adjustment & formal probation which are tailored to a youth's individual risk & needs, including standards for case contacts.
- ▶ Standards for common case planning elements based on risk principles & as to including youth, families & providers in case planning.
- ▶ Standard for common criteria for recommending out-of-home placement & IDOC commitments.
- ▶ Standard for use of graduated responses & incentives to reward & motivate positive behavior, while addressing probation violations.

Juvenile Probation Standards Revisions

- ▶ Revisions were recommended to the following standards:
 - ▶ Risk and Needs Assessments
 - ▶ Informal Adjustment Conditions
 - ▶ Formal Probation Conditions
 - ▶ Collaborative Case Planning
 - ▶ Out of Home Placement and IDOC Commitments
 - ▶ Incentives and Sanctions
- ▶ Full Revised Juvenile Probation Standards available:
<https://www.in.gov/youthjustice/files/2023-06-probation-standards-final-report.pdf>

Revised Juvenile Probation Standards: Vetting and Approvals

- ▶ On March 10, 2023, JPSW members presented the recommendations to the Probation Committee which unanimously approved them.
- ▶ On April 18, 2023, the draft probation standards were reviewed by the Judicial Conference Board of Directors for input. The Board did not have any questions or comments.
- ▶ The draft recommendations were provided to judicial members of the Child Welfare Improvement Committee, Juvenile Justice Improvement Committee, and Indiana Council of Juvenile and Family Court Judges; no feedback was received.
- ▶ The YJOC reviewed the JPSW report at its meeting on May 10, 2023 and approved the recommendations and the revised juvenile probation standards.
- ▶ The Board of the Directors of the Judicial Conference, which must approve any changes to probation standards, voted to approve the revised juvenile probation standards at its meeting on June 14, 2023, making them effective July 1, 2024 to allow time for necessary training to be provided.

Youth Justice Oversight Committee: Next Steps and CISC Role

- ▶ [HB 1001-2023](#) provided language related to juvenile diversion and community alternatives grant solicitation, information and education sessions, application review and funding formula:
 - The Indiana Criminal Justice Institute (ICJI) shall coordinate with the Grants Workgroup and YJOC to develop the statewide grant solicitation process for the grant applications and shall conduct outreach activities to inform potential grant applicants of the available grant opportunities.
 - ICJI shall coordinate with Grants Workgroup, YJOC, Indiana Office of Court Services (IOCS) and CISC and shall conduct informational and educational sessions for potential and actual applicants, including opportunities for questions and clarification.

Youth Justice Oversight Committee: Next Steps and CISC Role

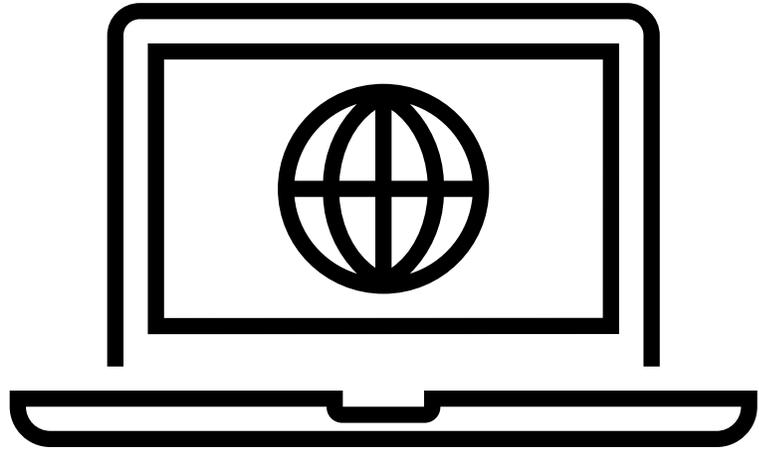
- YJOC or a subgroup of YJOC shall review the grant applications and make recommendations to the ICJI Board of Trustees regarding funding decisions.
- Grant application review should be done in consultation with representatives from the Department of Child Services (DCS), Department of Corrections (DOC), Department of Mental Health and Addiction (DMHA), IOCS and ICJI.
- ICJI shall adopt a funding formula based on county population and performance measures that apply to grantees under the program.
- Similar language applies to the Behavioral Health Pilot Grants requiring ICJI to coordinate w/YJOC, grants workgroup and IOCS to develop the statewide solicitation process, conduct informational and educational sessions and requiring the review of the applications for these grants to include DCS, DOC, DMHA, IOCS and mental and behavioral health practitioners.

Youth Justice Oversight Committee: Next Steps and CISC Role

- Outreach and education regarding the implementation of YJOC recommendations and in support of grant solicitation application and utilization:
 - The Indiana Office of Court Services is well positioned for this role due to its existing expertise and relationship with the local counties.
- There will be a continuation of YJOC activities and several workgroups, which will be determined once a new YJOC chair is appointed.
- In short, the work of the YJOC is just getting started!

Youth Justice Oversight Committee: Next Steps and CISC Role

- Policy and legislative support of YJOC recommendations:
 - Given its unique position working across all three branches of state government with a range of child-serving state agencies, the Commission on Improving the Status of Children will be able to assist in bridging gaps across systems and forming policy.
 - As legislative action may be necessary to support implementation of existing and forthcoming YJOC recommendations, the Commission on Improving the Status of Children will also be available to assist in those efforts - more so once a legislative affairs process is in place.



For additional
information visit

Youth Justice Oversight
Committee

www.in.gov/youthjustice

Agenda

4. Legislative Affairs Process

Senator Donato

Mark Fairchild

Legislative Affairs Overview

Mark Fairchild, MSW

Executive Director

Commission on Improving the
Status of Children in Indiana

Why Do We Need a Process?

- The Commission on Improving the Status of Children is already involved in legislative affairs.
- There is not clarity regarding what our level of involvement should be, or what actions the Executive Director and assigned Commission staff are empowered to take regarding legislation.
- With the Indiana General Assembly recently allocating funding directly to the Commission, it is reasonable that they would expect a presence at the statehouse to provide expertise on issues of interest, support and/or concern.

Presentation Agenda

**Current
Practice
Overview**

**Potential
Levels of
Involvement**

**Potential
Activities
for Levels**

**Commission
Discussion**

Current Legislative Affairs Practice

CISC Recommendation or Endorsement

- An issue of interest is brought to a Task Force, Committee or Subcommittee for further study. The issue is vetted by the Task Force or Committee chair for alignment with the Commission Strategic Plan before further action.
- The Task Force, Committee or an assigned subcommittee then study the issue and its members may formulate a recommendation for Commission consideration if one appears warranted.
- Recommendations - which may include legislative recommendations - are then vetted and approved by the Task Force or Committee.

Current Legislative Affairs Practice

CISC Recommendation or Endorsement

- A formal, written recommendation is submitted to the Executive Director to be slated for an upcoming meeting of the Commission.
- A presentation of the recommendation is made to the full Commission and the recommendation is then voted upon.
- If the Commission vote is successful, the legislative recommendation is considered either “Recommended” or “Endorsed” by the Commission.
- Commission members and the Executive Director will work to locate a legislator to author and introduce the legislation, preferably one who is a current member of the Commission.

Current Legislative Affairs Practice

CISC Recommendation or Endorsement

- The Executive Director and assigned Commission staff will monitor and report on the legislation, educate legislators on the issue, and the Executive Director will testify when appropriate.
 - Testimony notes the Commission's support, gives background on our process and provides factual, impartial information on the issue addressed by the legislation.
 - If the legislation is amended beyond the scope of the Commission endorsement or recommendation, testimony remains limited to the endorsed or recommended elements.

Current Legislative Affairs Practice

Monitor and Report

- Reporting includes the legislative tracking spreadsheet on the Commission's website and verbal reports made at Commission, Task Force, Committee or the Executive Committee meetings or to outside stakeholder groups.
- Reporting at this level does not include voicing support or concern, regarding any legislation listed.
- Synopsis of the legislation is typically taken directly from the legislation, with any interpretation of the language made only for the sake of clarity for the reader.

Current Legislative Affairs Practice

Monitor and Report

- This area of involvement focuses on issues related to the Commission's Mission or Vision, overarching principals, or Strategic Plan goals.
- Issues of interest for monitoring and reporting may be suggested by Commission, Task Force, Committee or subcommittee members, Commission staff, or outside stakeholders.
- Monitoring and reporting on pending legislation impacting such issues are the only activities occurring at this level.

Other Issues of Support or Concern

- **Question** - what if something arises that the CISC has an interest in acting upon, but that has not gone through the process to be a recommendation or endorsement?
- **Answer** - without a legislative affairs process allowing for actions at this level, monitoring and reporting is generally the CISC level of involvement.

Other Issues of Support or Concern

Potential Level of Involvement / Activities

- A potential level focusing on issues related to the organizational Mission or Vision, overarching principals, or Strategic Plan goals.
- In the case of the Commission, the issue(s) - in the form of proposed legislation or introduced legislation - could be presented by a Commission member or the Executive Director to the Executive Committee for vetting.
- If selected as an agenda item, a presentation of the issue could be made to the full Commission and the issue then voted upon as an issue of either support or concern of the Commission.

Other Issues of Support or Concern

Potential Level of Involvement / Activities

- The Executive Director and assigned Commission staff could monitor and report on legislation, communicate with and educate legislators on the issues. The Executive Director will testify when appropriate or requested.
 - Testimony would note the Commission's support or concerns regarding the issue addressed by the legislation, providing factual, impartial education and information on the issue.
 - Testimony would not speak for or against the legislation directly.
 - For purposes of identifying the category of testimony to be provided on legislation, "neutral" will be indicated.

Other Issues of Support or Concern

Another Potential Level of Involvement / Activities

- Prior to the December Commission meeting, the Executive Director could present a legislative agenda, created in consultation with CISC Committees and Task Forces, to the Executive Committee for vetting.
- The vetted legislative agenda would then be presented to the Commission at the December meeting and the final, amended version voted on for approval.
- Once an approved legislative agenda is in place, it would serve as the standing guide for the Executive Director to respond to legislation.
- The Executive Director would continue to consult with the Executive Committee throughout the legislative session.

Other Issues of Support or Concern

Another Potential Level of Involvement / Activities

- The Executive Director and assigned Commission staff would monitor and report on legislation, communicate with and educate legislators on agenda issues. The Executive Director would testify when appropriate or requested.
 - Testimony would note the CISC support or concerns regarding the issue addressed by the legislation while providing factual, impartial education and information on the issue.
 - For purposes of identifying the category of testimony to be provided on legislation, “neutral” would be indicated unless the entirety of the legislation falls under “support” on the Commission’s legislative agenda.

Other Issues of Support or Concern

Additional Considerations

- Should the legislative tracking spreadsheet note if legislation is an issue of support or concern?
- If a legislative agenda is created, would a process be needed to address unanticipated issues not on the legislative agenda?
- Would it be appropriate to speak against a piece of legislation in its entirety, if all its language is of concern? Oppositional testimony may be outside of the CISC principle of cooperation across branches.
- Joining onto “sign-on” letters is often requested, but there is a lack of message control after signing.

Next Steps on Process Development

- Discussion among CISC members following this presentation.
- Executive Director will collect thoughts and feedback from CISC members on a potential legislative affairs process over the next several weeks.
- The Executive Committee will review these thoughts and feedback and create a final recommendation for a legislative affairs process for consideration and voting at the October CISC meeting.

Thank You!

Mark Fairchild, MSW

Executive Director

*Commission on Improving the
Status of Children in Indiana*

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www.in.gov/children

Agenda

5. Executive Director and Committee Updates

Agenda

6. Next Meeting

Wednesday, October 18, 10 a.m. – noon

Indiana Government Center South, Conference Room A